CMPMO No.130 of 2007.

6.7.2007 Present: Mr.Daleep K. Sharma, counsel for the petitioner.
Mr.Praneet Gupta, counsel for respondent No.1.
Mr.Harish Bahl, counsel for respondent No.6.

Respondents 2&3 served but not present hence proceeded against ex-parte.

This petition is directed against an order dated 4th June, 2007 passed by MACT(FTC), Shimla whereby he has closed the evidence of the petitioner. The reasons recorded by the learned Tribunal are that as many as five opportunities are given to the petitioner to lead his evidence but he has not examined his witnesses and even list of witnesses has not been filed. According to Sh.Dalip Sharma only the petitioner and the Doctor who has issued the disability certificate which has been annexed as Annexure P-3 are to be examined.

Though sufficient opportunity was given by the Tribunal to the petitioner to lead his evidence but keeping in view the fact that the present petition arises out of motor accident claims proceedings in which the petitioner is a claimant, I feel that interest of justice will be served in case one more opportunity is granted to the petitioner to lead his evidence. This however will be subject to the petitioner paying Rs.2000/- as costs to respondents 1&6 herein to be shared by them equally.

The matter is already listed before the Tribunal on 27.7.2007 for evidence of the respondents. On that date the evidence of the respondents shall not be examined. The petitioner shall on or before the said date file before the Tribunal the name of the Doctor whom he wants to examine alongwith process fee and diet money. The

MACT shall then fix the matter in the month of August for recording the statement of the petitioner and the Doctor. It shall be the responsibility of the petitioner to serve the Doctor. No further opportunity shall be granted to the petitioner to lead evidence. Thereafter, the Tribunal shall proceed with the matter in accordance with law.

The petition is disposed of in the aforesaid terms.

In view of the disposal of the main petition, CMP No.423 of 2007 is also disposed of.

July 6, 2007. **(Deepak Gupta),**
PV **Acting Chief Justice.**